

## **REMARKS**

Claims 1 -36 were pending and presented for examination and in this application. In an Office Action dated June 5, 2006, claims 1-36 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are canceling claims 34-36 with this Amendment and Response. Applicants are amending claims 1, 8, 14, and 24 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested.

In view of the Amendments herein and the Remarks that follow, Applicant respectfully requests that Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Objection to Claim 8**

In the 2<sup>nd</sup> paragraph of the Office Action, Examiner objected to claim 8 as containing an informality. The misspelled word cited by Examiner has been corrected. The basis for this objection is now obviated, and Applicants respectfully request that Examiner withdraw the objection to claim 8.

### **Response to Rejection Under 35 USC § 112, Paragraph 1**

In the 3<sup>rd</sup> – 5<sup>th</sup> paragraphs of the Office Action, Examiner has rejected claims 24-36 under 35 USC § 112, ¶ 1 as allegedly failing to comply with the enablement and written description requirements. This rejection is respectfully traversed.

As amended, claim 24 recites “A computer program product, stored on a storage medium, the computer program product to automate ...” The specification shows how the computer program product stored on a storage medium can perform the modules claimed (for example, see page 18, line 18 – page 21, line 5; figures 12 and 13). The specification also discloses the computer program product as claimed (for example, see page 18, line 18 – page 21, line 5; figures 12 and 13).

As to dependent claims, because claims 25-33 are dependent on claim 24, all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to these dependent claims. Claims 34-36 have been cancelled. As a result, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

#### **Response to Rejection Under 35 USC § 101**

In the 6<sup>th</sup> and 7<sup>th</sup> paragraphs of the Office Action, Examiner has rejected claims 24-36 under 35 USC § 101, as allegedly not being limited to tangible embodiments. This rejection is respectfully traversed.

As amended, claim 24 recites “A computer program product, stored on a storage medium, the computer program product to automate ...” The claim includes only physical storage media and is statutory subject matter.

As to dependent claims, because claims 25-33 are dependent on claim 24, all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to these dependent claims. Claims 34-36 have been cancelled. As a result, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

**Response to Rejection Under 35 USC 102(e) in View of Gilles et al.**

In the 8<sup>th</sup>-13<sup>th</sup> paragraphs of the Office Action, Examiner rejects claims 1-6, 14-19, 24-29, and 34-36 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent 6,249,578, Gilles, et al. (“Gilles”). This rejection is traversed.

As amended, representative claim 1 recites a method for automating communications between service providers comprising, *inter alia*, the following:

...

electronically receiving a request message relating to the high speed network access service, the high speed network access service comprises digital subscriber line technology, from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes after the high speed network access service is established and includes the high speed network access service itself, the first and second service providers respectively is one from a group consisting of: (i) a competitive local exchange carrier (CLEC) and an incumbent local exchange carrier (ILEC); (ii) an ILEC and a CLEC; (iii) an internet service provider (ISP) and a CLEC; or (iv) a CLEC and an ISP; ...  
(emphasis added)

Likewise, amended claims 14 and 24 recite a related system and computer program product, respectively. Support for the amendments made to claim 1 are found in the specification at, for example, page 5, line 19 to page 6, line 7 and Figure 1. Additional support is found, for example, at page 6 lines 8-22, and Figure 2. The claimed invention beneficially automates the ordering and provisioning processes for providing end users with high speed DSL network access. This ordering and provisioning process requires significant business to business communications between entities such as CLECs, ILECs, and ISPs. By automating these communications, the claimed invention decreases the need for time-consuming, inefficient, and error-prone manual data entry.

The claimed invention is not disclosed by Gilles. First, Gilles does not disclose the digital subscriber line technology present in the claimed invention. Second, Gilles discloses only communications between a telecommunications reseller and wholesaler. Although a wholesaler in Gilles is generally a local exchange carrier (LEC), a reseller in Gilles is neither a LEC (which includes CLECs and ILECs) nor an ISP. Instead, a reseller in Gilles packages the services of the wholesaler and interfaces with retail customers to provide those services (Gilles, col. 3, lines 19-35). As a result, the claimed invention is not disclosed by Gilles because Gilles neither discloses communication between a CLEC and an ILEC nor discloses communication between a CLEC and ISP. In contrast to Gilles, the claimed invention's recitation of communication between a CLEC and an ISP or ILEC allows for the automation of communication between entities which contribute to the functioning of the network access. The reseller entity in Gilles, on the other hand, only packages and sells services rather than providing them. The communications in the claimed invention are of a different nature than those in Gilles and play an important role in the ordering and provisioning of high speed DSL network access.

The same argument applies to amended claims 14 and 24, which contain similar language.

Based on the above amendments and the following remarks, Applicants respectfully submit that for at least these reasons claims 1, 14, and 24 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

As to the dependent claims, because claims 2-6 are dependent on claim 1, claims 15-19 are dependent on claim 14, and claims 25-29 are dependent on claim 24, all arguments

advanced above with respect to claims 1, 14, and 24 are hereby incorporated so as to apply to these dependent claims.

**Response to Rejection Under 35 USC 103(a) in View of Gilles et al. and Chen et al.**

In the 14<sup>th</sup> -18<sup>th</sup> paragraphs of the Office Action, Examiner rejects claims 7-13, 20-23, and 30-33 under 35 USC § 103(a) as allegedly being unpatentable in view of Gilles and U.S. Patent 6,507,856, Chen et al. (“Chen”). This rejection is respectfully traversed. In particular,

dependent claims 7-13, 20-23, and 30-33 are believed to be allowable at least because the independent claims 1, 14, and 24 from which they variously depend are allowable as discussed above. Thus, withdrawal of the rejection of claims 7-13, 20-23, and 30-33 under 35 U.S.C. § 103(a) is respectfully requested.

**Conclusion**

In sum, Applicant respectfully submits that claims 1-33, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites Examiner to contact Applicant’s representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
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